

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

*In re Dealer Management Systems Antitrust
Litigation*, MDL 2817

*This document relates
to:* ALL ACTIONS

No. 1:18-CV-864

Hon. Robert M. Dow, Jr.

Magistrate Judge Jeffrey T. Gilbert

**STIPULATION RE: DEADLINES FOR MOTIONS TO
COMPEL CHALLENGING PRIVILEGE LOG ENTRIES AND CDK CLAWBACKS**

The Dealership Class Plaintiffs (“Dealership Plaintiffs”), Vendor Class Plaintiff Loop, LLC, d/b/a AutoLoop (“AutoLoop”), Plaintiff Cox Automotive, Inc. and its subsidiaries, Autotrader.com, Inc., Dealer Dot Com, Inc., Dealertrack, Inc., HomeNet, Inc., Kelley Blue Book Co., Inc., vAuto, Inc., VinSolutions, Inc., and Xtime, Inc. (collectively, “Cox Automotive”), Plaintiff Authenticom, Inc. (“Authenticom”), Plaintiff Motor Vehicle Software Corp. (“MVSC”) (collectively, “Plaintiffs”), and Defendant CDK Global, LLC (“CDK”) (collectively, the “Parties”), by and through their undersigned counsel, jointly submit this Stipulation and proposed Order regarding the deadlines for motions to compel relating to CDK’s privilege log and March 8, 2019 clawbacks.

WHEREAS, on March 8, 2019, CDK served on Plaintiffs its privilege log related to the production it made pursuant to the Federal Trade Commission’s Civil Investigative Demand (the “FTC Log”);

WHEREAS, on March 8, 2019, CDK served on Plaintiffs a clawback letter pursuant to paragraph 13(b) of the Agreed Confidentiality Order (Dkt. No. 104), instructing Plaintiffs to return or destroy certain documents over which CDK claims privilege (the “Clawback”);

WHEREAS, to allow sufficient time for the Parties to meet and confer on disputes related to the FTC Log and Clawback;

WHEREAS, the Parties seek to allow sufficient time for the meet and confer process, and, if necessary, the briefing of motions relating to any potential issues relating to the FTC Log and Clawback; and

WHEREAS, the above-named Parties have reached the following stipulation with regard to the deadlines for FTC Log and Clawback challenges and related motions to compel, if any:

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the Parties that the deadlines relating to FTC Log and Clawback challenges shall be as follows:

Deadline to complete meet and confers regarding FTC Log and Clawback challenges.	April 10, 2019
Deadline for motions to compel, if any, challenging FTC Log entries and Clawbacks after strict compliance with Local Rule 37.2	April 17, 2019
Responses to any motion to compel regarding privilege logs	14 days from date of motion
Replies in opposition to any motions to compel regarding privilege logs	7 days from filing of response

STIPULATED AND AGREED:

/s/ Peggy J. Wedgworth

Peggy J. Wedgworth
Elizabeth McKenna
MILBERG TADLER PHILLIPS GROSSMAN LLP
One Pennsylvania Plaza, 19th Floor
71 South Wacker Drive
New York, NY 10119
(212) 594-5300
pwedgworth@milberg.com
emckenna@milberg.com

Dealership Interim Lead Class Counsel

/s/ Derek T. Ho.

Derek T. Ho
Michael N. Nemelka
KELLOGG, HANSEN, TODD, FIGEL
& FREDERICK, PLLC
1615 M Street, N.W., Suite 400
dho@kellogghansen.com
mnemelka@kellogghansen.com

*Counsel for Authenticom, Inc.; Cox
Automotive, Inc.; Loop, LLC, d/b/a AutoLoop
on behalf of itself and all others similarly
situated; and Motor Vehicle Software Corp.*

/s/ Britt M. Miller

Britt M. Miller
Matthew D. Provance
MAYER BROWN LLP
71 South Wacker Drive
Chicago, IL 60606
(312) 782-0600
bmiller@mayerbrown.com
mprovance@mayerbrown.com

Counsel for Defendant CDK Global, LLC

/s/ Aundrea K. Gulley

Aundrea K. Gulley
Kathy D. Patrick
Brian T. Ross
Brice A. Wilkinson
Ross A. MacDonald
GIBBS & BRUNS LLP
1100 Louisiana Street, Suite 5300
Houston, TX 77002
(713) 751-5258
agulley@gibbsbruns.com
kpatrick@gibbsbruns.com
bross@gibbsbruns.com
bwilkinson@gibbsbruns.com
rmacdonald@gibbsbruns.com

Michael P.A. Cohen
SHEPPARD MULLIN RICHTER & HAMPTON, LLP
2099 Pennsylvania Ave., NW, Suite 100
Washington, DC 20006
(202) 747-1900
mcohen@sheppardmullin.com

Leo D. Caseria
SHEPPARD MULLIN RICHTER & HAMPTON, LLP
333 S. Hope St., 43rd Floor
Los Angeles, CA 90071
(213) 617-4206
lcaseria@sheppardmullin.com

*Counsel for Defendant The Reynolds and
Reynolds Company*

SO ORDERED:

DATED:

Hon. Robert M. Dow, Jr
UNITED STATES DISTRICT COURT JUDGE